



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

PUBLIC NOTICE

Public Notice No.: SC GP-95-001 (Revised)

Notice Date: December 10, 2015

The South Carolina Department of Health and Environmental Control has received an application for a Permit to Construct in Navigable Waters pursuant to R. 19-450. et.seq., 1976 S.C. Code of Laws, as amended.

APPLICANT: Greenwood County Department of Lake Management
600 Monument Street, Suite 19
Greenwood, SC 29646

WATERBODIES: Lake Greenwood

LOCATION: Lake Greenwood and adjacent properties in Greenwood, Laurens, and Newberry Counties, South Carolina.

ACTIVITY: Construction, repair, and maintenance of private noncommercial piers, docks, boat lifts, moorings, boat houses, boat ramps, marine railways for dry storage, bulkheads and riprap for erosion control, and heat exchange coils for heat pumps; excavation and sediment removal; debris removal; and installation and maintenance of fish attractors, fishery enhancement, and aquaculture activities by lakefront property owners adjacent to Lake Greenwood, subject to general and special conditions in the draft General Permit document. Proposed revisions are highlighted in the attached draft General Permit document.

This public notice is being distributed to interested persons and agencies to gain comments which will aid the South Carolina Department of Health and Environmental Control in making a final decision regarding the proposed work. All comments and data in support or opposition to the proposed work should be submitted in writing to:

SC Department of Health and Environmental Control
Division of Water Quality
Attn: Alicia Rowe
2600 Bull Street
Columbia, SC 29201

Comments will be received at the above address until January 11, 2016.

General Permit No.: SC GP-95-001 (Revised)
Name of Applicant: Greenwood County Department of Lake Management
Effective Date: [Month dd, yyyy]
Expiration Date: [Month dd, yyyy]

**South Carolina Department of Health and Environmental Control
General Permit**

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R. 19-450, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

Greenwood County Department of Lake Management

to authorize the construction, repair, and maintenance of private noncommercial piers, docks, boat lifts, moorings, boat houses, boat ramps, marine railways for dry storage, bulkheads and riprap for erosion control, and heat exchange coils for heat pumps; excavation and sediment removal; debris removal; and installation and maintenance of fish attractors, fishery enhancement, and aquaculture activities by:

**Lake Front Property Owners
adjacent to the waters of LAKE GREENWOOD
in Greenwood, Laurens, and Newberry Counties, South Carolina.**

This General permit is subject to the following conditions:

I. General Conditions:

- A. Structures authorized by this General Permit shall be private, noncommercial, simple piers, docks, boat lifts, moorings, boat houses, boat ramps, marine railways for dry storage, bulkheads and riprap for erosion control, and heat exchange coils for heat pumps; excavation and sediment removal; debris removal; and installation and maintenance of fish attractors, fishery enhancement, and aquaculture activities conforming to the standards contained herein. Other construction of any kind within the waters of Lake Greenwood is not authorized by this document.
- B. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the SCDHEC may consider appropriate.

- C. The structure owner must make every reasonable effort to conduct the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values or historic or prehistoric values.
- D. The structure owner must conduct the work authorized herein in a manner so as to minimize any degradation of water quality.
- E. The structure owner shall permit State law enforcement personnel, representatives of the SCDHEC, Greenwood County or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- F. The structure owner shall maintain structures authorized herein in good condition.
- G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations or Federal Energy Regulatory Commission regulations, nor does it obviate the requirement to obtain Greenwood County assent or to comply with any applicable standards required by ordinance for the construction of structures authorized herein. Greenwood County and other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate, provided the criteria does not authorize work that will result in an impact to navigable waters of the State greater than those impacts prescribed in this General Permit.
- H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.
- I. No attempt shall be made by the structure owner to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.
- J. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.
- K. A structure owner who desires to abandon an authorized structure, or who permits a structure to fall in to a state of disrepair such that it no longer conforms to the conditions of this permit, may be required to remove the structure.
- L. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

- M. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- N. Structure owners are advised of the possibility that piers, docks, boat lifts, moorings, boat houses, boat ramps, marine railways for dry storage, bulkheads and rip-rap for erosion control and heat exchange coils for heat pumps may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve structure owners from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash, and the structure owners shall not hold the SCDHEC liable for any such damage.
- O. A structure owner upon receipt of a notice from the SCDHEC or Greenwood County of failure to comply with the terms, conditions, or standards of this General Permit shall, within sixty (60) days (unless circumstances require more expeditious action to protect public health, safety, or environment) without expense to the State of South Carolina or Greenwood County and in such manner as the agency may direct, effect compliance with terms, conditions, and standards or remove the structure from Lake Greenwood.
- P. This General Permit relates only to simple, noncommercial piers, docks, boat lifts, moorings, boat houses, boat ramps, marine railways for dry storage, bulkheads, rip-rap for erosion control, and heat exchange coils for heat pumps and does not convey the right to place any closed structure or structures for any nonwater related use on or adjacent to the pier, dock, boat lifts, moorings, boat house, boat ramps, marine railways for dry storage, bulkheads and rip-rap for erosion control without prior SCDHEC authorization.
- Q. This General Permit authorizes the construction and continued use of certain structures in the navigable waters of Lake Greenwood by landowners adjacent to Lake Greenwood. This authorization is a revocable privilege and if changed circumstances warrant, the SCDHEC or Greenwood County may revoke such privilege and require removal of a structure at the expense of the owner.
- R. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Jim Spirek [803] 7778170) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.
- S. The Permittee must notify the South Carolina Department of Archives and History (Ms. Rebekah Dobrasko [803] 896-6169), Historic Preservation Division, 8301 Park Lane Road, Columbia, South Carolina 29223-4905 if any archaeological materials are encountered during the course of the work. Archaeological materials consist of any items, fifty years or older, which were made or used by man. These items include, but are not limited, to stone projectile points (arrowheads), ceramic shards, bricks,

worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

- T. Prior to beginning any land disturbing activity, appropriate erosion control measures, such as silt fences, silt barriers, or other devices must be placed around the construction area and maintained in a functioning capacity until the area is permanently stabilized.
- U. Construction must be sound enough to withstand windloads of at least 25 pounds per square foot and floating encroachments must be securely fastened.
- V. The Permittee is responsible for insuring that all construction is safe, meets applicable building codes, and is suitable for the intended use including full consideration of occupancies, loads, and wave and wake actions that will occur over the lifetime of the project.
- W. Vehicle maintenance shall not be constructed at facilities authorized under this General Permit. Vehicle maintenance should be conducted at a properly designated site on the high land.
- X. Any activity that may affect any federally or State listed threatened or endangered species, a species proposed for listing, or designated critical habitat for such species is not authorized by this General Permit.

II. Special Conditions: The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement, provided the criteria does not authorize work that will result in an impact to navigable waters of the State greater than those impacts prescribed in this General Permit.

A. Docks, Piers and Boat Lifts

1. Docks and piers may not extend beyond the lesser of: 1) one hundred ten (110) feet in length from the normal lake shoreline or 2) one-third the distance across the affected waterway. Docks and piers shall not interfere with navigation, ingress or egress to adjoining property or be in any manner hazardous. In some locations, such as narrow coves, the maximum size may not be permitted or structures may not be permitted at all if conditions are deemed unsuitable by the SCDHEC or Greenwood County.
2. Docks and piers, whether permanent, floating or a combination of both, may be up to 1200 square feet in any configuration that does not enclose a section of water on all four sides.
3. Docks and piers shall be located a minimum of fifteen (15) feet from adjacent property lines or the imaginary water ward extension thereof. Exceptions may be granted for joint use docks by adjoining property owners.

4. A variance in the dimensions related to the length of piers and docks or the distance from the adjoining property lines or the water ward extension thereof may be granted where shoreline or lake characteristics or conformity with existing structures makes conformance to those requirements impractical and all other requirements of this permit are met. This variance will be considered approved for the purposes of the General Permit upon approval by Greenwood County on a case-by-case basis. This variance will not include blocking navigation or crossing extended property lines without the affected property owner's consent.
5. Hand railing is permissible provided that the sides are not enclosed. Obstruction of cross vision (ability of boater to see objects/persons on the other side of the structure) is prohibited.
6. All permanent docks must be built horizontally whereby the top of the tread ways must be between an elevation of 440.5 and 442 foot contour. Exception to the horizontal requirement is permitted only for the necessary slope required for reasonable approach purposes from the shore.
7. Enclosed docks are not permitted. No sinks, toilets, showers, fueling systems/ pumps or any other type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lake is permitted.
8. White reflective tape or white reflectors are required and must be maintained on each outermost water ward corner of the dock or pier and every ten (10) feet on both sides of the length of the pier.
9. Flotation for all facilities and boat mooring buoys shall be made of materials manufactured for marine use. Materials will resist puncture and penetration and will not be subject to damage by animals. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.
10. Docks must be single-story structures.
11. Private docks used to moor houseboats for habitation are not allowed by this General Permit. An individual Construction in Navigable Waters Permit is required to authorize these structures. Habitation conditions include, but are not limited to: Sleeping overnight or staying on, around or within the moored boat for more than three consecutive days, hardwiring electric power or hard piping plumbing to the boat or establishing a mailing address for the boat.
12. Common use docks between adjoining property owners are encouraged. A copy of a written agreement between participating property owners must be furnished to Greenwood County.
13. Boat Lifts connected to piers are allowable provided they do not block cross-vision. Lifts for personal watercraft such as jet skis will also be allowed. Not more than two (2) jet ski lifts per waterfront lot will be allowed.

14. The following applies to locating docks or piers on parcels of property:

- a) not more than two (2) of either a dock or pier are allowed on a single parcel of property;
- b) no portion of a dock or pier shall be constructed within fifteen (15) feet of the closest property line as that line is imaginarily extended into the water;
- c) no dock or pier shall be constructed to allow any portion of that structure to be within twenty (20) feet of an existing structure on the water, or another structure to be constructed on the water;
- d) if more than one dock or pier is located on the same parcel of property, the points where those structures attach to the highland may not be closer than one hundred (100) feet at their closest point;
- e) Greenwood County may allow a second dock or pier to be placed on a parcel of property, without regard to the 100-foot limit in Part II.A.14.d of this permit, provided the floored surface area of the second dock or pier will be less than 400 square feet and no portion of the second dock or pier will extend more than the lesser of: a) forty (40) from the ordinary high water (OHW) mark for the lake; or, b) one-third the distance across the portion of the lake at which the dock or pier is to be constructed, as measured from OHW mark to OHW mark; and,
- f) Part II.A.14.e of this permit does not apply to a single parcel of property containing more than one independent occupancy single-family or multi-family dwelling.

B. Mooring Structures

- 1. Mooring structures, i.e., dolphins, pilings or buoys, must be placed in association with piers and docks and shall not be located beyond 110 feet from the normal lake shoreline nor extend more than one-third (1/3) the distance across the affected waterway, whichever is less, as provided for docks under paragraph II.A.(1), above. Mooring structures shall not be located in front of the associated pier or dock nor shall they be located greater than 20' laterally from the pier or dock. All mooring structures must be well marked with white reflectors or white reflective tape. Mooring structures shall not be located closer than 15 feet to the extended property lines of the permittee.
- 2. All vessels secured to mooring structures must be moored in a manner which will not create any hazards to navigation.

C. Boat Houses/Slips

- 1. Covered or uncovered boat houses/slips shall not be greater than 13 feet wide for a single slip or 26 feet wide for a double slip. The length shall not exceed 30 feet. The water ward edge of the boat house/slip shall not extend beyond the lesser of: 1) 110 feet from the shore or 2) extend more than one third the distance across the affected waterway.

2. Roofs may be gabled or monosloped but may not be used as an upper deck area, and must not rise above the 453 foot contour. Enclosed boat houses/slips are not permitted.
3. Boat houses/slips must be single-story structures.
4. Boat houses/slips shall be located a minimum of fifteen (15) feet from adjacent property lines or the imaginary water ward extensions thereof.
5. No sinks, toilets, showers, fueling systems/pumps, or any other type of equipment or construction which will create or cause any liquid or solid waste to be discharged into lake waters is permitted.
6. Boat houses/slips may be floating or fixed. Flotation for all boat houses shall be of materials manufactured for marine use. Materials will resist puncture and penetration and will not be subject to damage by animals. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.

D. Boat Ramps

1. Ramps must be constructed of reinforced concrete with a minimum thickness of 4" with a base constructed of crushed stone, gravel or other suitable material.
2. The volume of material placed below the plane of the lake's surface when the water in the lake is at the OHW mark shall not exceed fifty (50) cubic yards.
3. No material may be placed in other waters of the United States outside the boundary of the lake's OHW mark (for purposes of this general permit, 'waters of the United States' mean: a) the waters of Lake Greenwood; b) perennial and intermittent streams connected to the lake in the immediate vicinity of the lake; c) ditches or manmade canals connected to the lake in the immediate vicinity of the lake; or, d) wetlands contiguous to, or in the immediate vicinity of, the lake).
4. Ramps may be up to 12 feet wide and required length to be functional.
5. Ramps should conform to the existing topography, to the extent practicable, to minimize slope alterations. Excavation must be limited to the area necessary for site preparation. Excessive cut and/or fill to achieve the desired slope is not authorized.
6. All material excavated during site excavation must be properly disposed of on the highland in a manner so that it will not be discharged into waters of the United States.
7. Upon completion of construction activities, all disturbed upland areas must be permanently stabilized with a vegetative cover.

8. Ramps must be constructed a minimum of 5 feet from adjoining property lines. However, owners of adjoining properties may jointly submit an application for permit to install a ramp which will be co-owned and shared by the occupants of both properties. In that event, the five-foot requirement will not apply with regard to the common property line.

E. Marine Railways

1. Marine railways must not interfere with navigation.
2. Marine railways must be constructed a minimum of 5 feet from adjoining property lines.
3. The volume of material placed below the plane of the lake's surface when the water in the lake is at the OHW mark shall not exceed ten (10) cubic yards; and, the area of fill within the boundary of the lake's OHW mark shall not exceed one-tenth (1/10) of an acre, or 4,356 square feet.
4. No material may be placed in other waters of the United States outside the boundary of the lake's OHW mark.

F. Bulkheads

1. Bulkheads may be constructed for erosion control only and may be no more than 500 feet in length.
2. The bulkhead backfill may not exceed an average of one cubic yard per running foot placed along the bank in navigable waters.
3. No material may be placed in other waters of the United States outside the boundary of the lake's OHW mark.
4. No material may be of the type, or may be placed in any locations or placed in any manner, to impair surface water flow into or out of any water of the United States.
5. Bulkheads (retainer walls) for erosion control must be constructed from pressure treated wood, concrete, vinyl or fiberglass.
6. Bulkheads must generally follow the project boundary, to the extent practicable, and must be placed against the existing erosional scarp.
7. Bulkhead backfill must consist of clean earthen materials free of all potential sources of pollution.
8. The backfilled area must be stabilized with a vegetative cover after construction to minimize erosion.

9. Dredging to deepen the water at the base of a bulkhead will not be permitted, and bulkheads shall have a wedge of riprap installed along the base edge to prevent undermining from wave action during high water conditions.

10. The applicant must use other erosion control methods, if possible.

G. Riprap and Bioengineering

1. Riprap for erosion control must generally follow the project boundary, to the extent practicable, and must be placed against the existing erosional scarp.
2. No material may be placed in other waters of the United States outside the boundary of the lake's OHW mark.
3. No material may be of the type, or may be placed in any locations or placed in any manner, to impair surface water flow into or out of any water of the United States.
4. Riprap must consist of clean stone or masonry material free of all potential sources of pollution.
5. The riprap revetment may be no more than 500 feet in length.
6. The riprap may not exceed an average of one cubic yard per running foot placed along the bank in navigable waters.
7. Soft armoring may be allowed with the use of native, approved vegetation. Approval from Greenwood County Lake Management shall be obtained.

H. Heat Exchange Coils for Heat Pumps

1. The structures must not adversely affect navigation.
2. The construction and maintenance of the supply piping right-of-way shall not involve mechanized clearing in a forested wetland.
3. If the supply piping is constructed through wetlands, the trench shall be backfilled to pre-construction contours. The top six (6) to twelve (12) inches of the trench shall be backfilled with topsoil from the trench. And, the trench shall not be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect).
4. The supply piping in the lake shall not exceed five hundred (500) feet.

5. The heating/coolant medium used within the supply piping must be water.
6. Excavated material from trench excavation not used as backfill must be deposited on high ground and properly contained and stabilized to prevent erosion.
7. Stone used as trench backfill must be clean stone free of all potential sources of pollution.
8. All supply and return piping must be buried a minimum of two feet below the lakebed from the 440 elevation to a depth of five feet below maximum drawdown.
9. The lakebed below the OHW mark shall be returned to pre-construction contours.
10. The exposed portions of the coils must be anchored to the lake bottom.
11. The structures must be a minimum of 5 feet from the adjoining property lines.

I. Excavation and Sediment Removal

1. Sediment may be removed at and around a permitted encroachment. Since no excavation is allowed in the following habitat areas, a permit WILL NOT be issued if the property is located within: a) Critical Habitat Area, and b) Cultural Resource Area.
2. Silt Removal – Up to 500 cubic yards of accumulated silt may be removed. Excavation cannot extend into the original, hard clay bottom of the lake bed, or into natural bottom contour of the lake bed. The purpose of silt removal must be limited to work necessary to create reasonable access. Excavation may not be for the purpose of creating additional shoreline and may not attempt to alter the full pool contour or create access to off-water lots.
3. Placement for excavated material (spoils):
 - a) Sediment removed from within the project boundary must be removed in one operation. Excavated material cannot be sidecast into another section of the lake bed. Sediment cannot be stored between the low and high water mark; it must be moved to an upland area.
 - b) All excavated material shall be deposited in upland areas out of the project boundary, in a manner so that it will not be discharged back into the project boundary or into other surface waters, wetland areas, intermittent or continuous streams, or adjacent properties.
 - c) Upon completion of sediment removal activities, upland disturbed areas (spoils areas) must be properly contained and permanently stabilized with a vegetative cover.
 - d) Best management practices (BMPs) for erosion control as defined by SCDHEC must be followed.

4. Every reasonable effort must be made to minimize any adverse impact of the work on fish, wildlife, and natural environmental values, public recreational and scenic values, historic and prehistoric values. If any historical and/or cultural artifacts are found, work must stop and Lake Management must be immediately notified.
5. The owner must minimize any degradation of water quality.
6. Inspections conducted by Greenwood County Lake Management are required to ensure that all permit requirements are being followed. Penalties may be imposed for violations.
7. Timing: Work shall not be performed during the fish spawning months of March, April, May, and June.

J. Debris Removal

1. Authorized debris removal includes the removal of debris such as stumps, tree limbs, appliances, lumber, leaves, logs, concrete and metal objects, from Lake Greenwood for navigational, safety, and/or drainage purposes only. Activities authorized by this General Permit must be approved by Greenwood County Lake Management.
2. All debris must be properly disposed.
3. Debris removal does not include the dredging or excavation of gravel, silt, sand, or clay. Proposed excavation must comply with Section I, "Excavation and Sediment Removal" above for authorization under this General Permit.

K. Fish Attractors, Fishery Enhancement, and Aquaculture Activities

1. Authorized activities include placement of fish attractors and habitat structures, benthic barriers for aquatic weed control, and non-native aquatic vegetation removal. Activities authorized by this General Permit must be approved by Greenwood County Lake Management.
2. Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include recycled Christmas trees, native trees and limbs, root wads, and PVC structures.
3. Structures shall not pose a hazard to navigation. Certain clearances, as specified by Greenwood County, shall be required prior to commencement of the activity.

III. Required Authorization: Each person seeking authorization for the activities described in this General Permit must first complete and submit to Greenwood County a permit application for the work proposed. Each person shall provide evidence to Greenwood County that all landowners immediately adjacent to the

property upon which the activity is to occur have been notified of the proposed activity. Failure to provide such evidence shall preclude authorization under this General Permit.

- IV. **Penalties for Violation:** Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.
- V. **Revocation of General Permit:** This General Permit may be withdrawn by issuance of a public notice at any time the SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.
- VI. **Reporting of Activities Authorized by the General Permit:** Greenwood County shall furnish the SCDHEC and the United States Army Corps of Engineers a monthly tabulation of all activities authorized under this General Permit, including the location and type of work performed. The report is due by the 25th day of the following month.
- VII. **Duration of the General Permit:** This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

This General Permit shall become effective on the date signed by the SCDHEC.

By Authority of the South Carolina Department of Health and Environmental Control

Signature

Date

Title